

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SAMUEL ROY ABRAM,

Plaintiff,

v.

FIDELITY INVESTMENTS,

Defendant.

Civil Action No. 16-12271-LTS

DISMISSAL ORDER

January 12, 2017

SOROKIN, D.J.

In an order dated November 17, 2016 (#5), the Court ordered plaintiff Samuel Roy Abram to pay the \$400 filing fee within 35 days. The Court ruled that Abram was not eligible for *in forma pauperis* status because (1) while a prisoner, he had on three or more prior occasions, filed an action or appeal that was dismissed on the ground that it was frivolous, was malicious, or failed to state a claim upon which relief may be granted; and (2) he was not “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). The Court warned Abram that failure to timely pay the filing fee would result in dismissal of the action without prejudice.

The deadline for complying with the Court’s November 17, 2016 order has expired. Abram has not paid the filing fee or submitted any document with the Court.¹ Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. This order is a final order of dismissal. No separate order of dismissal will issue.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge

¹ The plaintiff indicated in a voicemail left with the Clerk that someone might tender the filing fee on his behalf. As to this date, the fee has not been paid. Therefore, the case is closed.